

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12264 OF 2006

DATED 11.07.2006

BETWEEN

Smt. Ahmadi Begum and others.

... Petitioners

and

The Government of A.P., rep. by its Principal Secretary to Government,
Revenue Department, A.P.Secretariat, Hyderabad
and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12264 OF 2006

ORDER:

The petitioners who are eight in number claim to be absolute owners of land comprised in various survey numbers situated at Kismathpur village of Rajendranagar Mandal in Ranga Reddy District. It is their case that their mother inherited the property from her grandfather and the title of her mother was also declared by the Court of Additional Subordinate Judge, Ranga Reddy District in O.S.No.45 of 1987. When the suit was pending, mother died and all the petitioners are allegedly brought on record as legal representatives of their mother. Pursuant to decree, they submitted representations on 04.04.2005 and 10.06.2005 for issue of necessary mutation. They also requested to handover possession to them. When there was no response, the petitioners initially filed writ petition being W.P.No.3050 of 2004. This Court disposed of the same on 19.11.2004 giving liberty to the petitioner to make representation for mutation and the Mandal Revenue Officer, Rajendranagar Mandal, was directed to pass appropriate orders within a period of eight weeks from the date of the application made by the petitioners. They allege that though such application is made, no orders are passed.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that though the petitioners claim mutation under Rule 27(4) of A.P.Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity), they require to file an application in Form VI(A). He submits that the petitioner

submitted application on 28.06.2005 and the MRO issued notice in Form VIII on 02.04.2006, which was displayed on the Notice Board of the Kismathpur village. He also submits that even while the enquiry was pending before the MRO, the petitioner filed the present writ petition.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader, this Court is of considered opinion that as the enquiry is pending with the MRO, no further orders are necessary in the writ petition. However, it is made clear that the Court decree only enables the petitioners to seek mutation and the same does not enable either the petitioners to seek restoration of possession or empower the MRO under the provisions of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), to dispossess third parties and put the petitioners in possession. The petitioners have to seek remedy for taking possession before different forum and the authorities constituted under the Act have no such power to restore possession to owner, who is dispossessed from the land.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO,J)

11.07.2006

pln